

shown to be separately usable.” The phrase “separately usable” occurs only twice in the MPEP. MPEP §§ 806.05(d) (Subcombinations Usable Together), 806.05(j) (Related Products; Related Processes). In both of these sections, it is clear that being “separately usable” is only one part of the analysis. MPEP 806.05(d) provides: “Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, ***are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants.***” The MPEP further provides that distinctive inventions that “do not overlap in scope” are “mutually exclusive,” and that “the inventions as claimed are either ***not capable of use together or can have a materially different design, mode of operation, function, or effect.***” MPEP 806.05(j) (“For other related product inventions, or related process inventions, the inventions are distinct if: (A) the inventions as claimed do not overlap in scope, i.e., are mutually exclusive . . . or (C) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect..”) The Examiner has recognized that the various sub combinations are related and are usable together in a single combination. Restriction Requirement, pages 4, 5. Accordingly, part (C) of the distinctiveness test from MPEP § 806.05(j) is not applicable.

Table I juxtaposes the language used in each of the six independent claims in the application, namely claims 1, 3, 5, 31, 40, 41 and 42. As shown in Table I, claim elements of Claim Set I are recited identically or analogously in Claim Set II and Claim Set III. The presence of the identified claim elements in each of the various claim sets

makes clear that ***the claim sets overlap***, and accordingly, are not properly subjected to a restriction requirement.

Regarding Claim Set II, Applicant notes that the second row of Table 1 shows that an “electronic token log” is an element of each claim in Claim Set I, as well as Claim Set II. Further, the fourth row of Table I shows that each claim of Claim Set I and Claim Set II recites “an account holder.” The fifth row of Table I shows that each claim of Claim Set I and Claim Set II recites that a vendor or each vendor is to provide the token, an indication of the account, and information about the transaction. The sixth row of Table I shows that claims 3, 5, and 42 of Claim Set I and claim 31 of Claim Set II recite the element of satisfying conditions associated with one or more tokens in the token log. Finally, the seventh row of Table I shows that each claim of Claim Set I and Claim Set II recites “a communication channel that is distinct....”

Regarding Claim Set III, Applicant notes that the second row of Table 1 shows that an “electronic token log” is an element of each claim in Claim Set I, as well as Claim Set III. Further, the third and sixth rows of Table I shows that authorization is an element of each claim of Claim Set I and Claim Set III. The fifth row of Table I shows that Claim Set I recites that “the ***vendor*** is to ***provide the token***, the ***indication of the account***, and ***information about the transaction***,” while claim 40 recites “***receiving a token*** an ***indication of an account*** and information ***about a transaction*** from a ***vendor***.” Row six of Table I shows that claims 3, 5, and 42 of Claim Set I and claims 40 and 41 of Claim Set III recite the element relating to authorization and satisfying conditions associated with one or more tokens in the token log. Finally, the seventh row

of Table I shows that each claim of Claim Set I and Claim Set III recites “a communication channel that is distinct....”

The three claim sets all fit within the same invention classification, namely class 705, subclass 44 (“Requiring authorization or authentication” for a financial transaction). The Examiner has already recognized that Claim Set II is appropriately classified in class 705, subclass 44. Similarly, Claim Set I is also appropriately classified in class 705, subclass 44 because the claims pertain to “transaction authorization.”

The Examiner suggests that Claim Set III be classified in class 705, subclass 75, which is where “details of a transaction are cryptographically processed to allow subsequent confirmation thereof.” Applicant notes that Claim Set III does not include limitations directed toward cryptographic processing. Indeed, the specification teaches that the claimed method may be employed with plain text communication, such as SMS. Specification, page 13, (“There are various means for sending the token to a remote location, one of which is to send it as part of a specially formatted text message (e.g., via SMS) to the keeper of the Token Log.”) Applicant suggests that Claim Set III is also appropriately classified in class 705, subclass 44 (“Requiring authorization or authentication” for a financial transaction).

For at least the foregoing reasons, Applicant requests that the restriction requirement be withdrawn. A Notice of Allowance is requested.

Respectfully submitted,

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ELECTRONIC PAYMENT VALIDATION USING TRANSACTION AUTHORIZATION TOKENS

Table 1: Independent Claim Comparison

Claim Set I (1-28, 42-43)					Claim Set II (31-39)	Claim Set III (40-41)	
Claim 1	Claim 3	Claim 5	Claim 42	Claim 31	Claim 40	Claim 41	
1 A method comprising	A method comprising	A method comprising	A computer-readable medium comprising	An electronic computing system comprising	An electronic computing system of a financial institution comprising	An computing apparatus comprising	
2 an account holder associating a plurality of tokens with a financial account by recording the plurality of tokens in an <u>electronic token log</u>	an account holder associating a token with one or more conditions in an <u>electronic token log</u>	receiving from an account holder an indication of one or more conditions for completing one or more transactions; associating a token with the one or more conditions in an <u>electronic token log</u>	program code for receiving from an account holder an indication of one or more conditions for completing one or more transactions; program code for associating a token with the one or more conditions in an <u>electronic token log</u>	a token creator to enter and store one or more tokens in a computer memory; a <u>token log</u> to associate in the computer memory specific tokens with specific conditions under which specific financial transactions will be valid;	which token was previously stored by an account holder in an <u>electronic token log</u> that is not accessible by a vendor but is accessible by the financial institution;	means for an account holder storing one or more tokens in an <u>electronic token log</u> ; means for the account holder associating each token in the electronic token log with conditions under which specific financial transactions are valid	

Claim Set I (1-28, 42-43)					Claim Set II (31-39)	Claim Set III (40-41)	
	Claim 1	Claim 3	Claim 5	Claim 42	Claim 31	Claim 40	Claim 41
3	which electronic token log is accessible by a computing device of an institution that is responsible for <u>authorizing</u> one or more transactions involving the account	that is accessible by the computing device of an institution that is responsible for <u>authorizing</u> one or more transactions involving a financial account;	that is accessible by the computing device of an institution that is responsible for <u>authorizing</u> one or more transactions involving a financial account;	that is accessible by an institution that is responsible for <u>authorizing</u> one or more transactions involving a financial account;		a transaction <u>authorization</u> module for checking whether at least one condition associated with the token in the token log is satisfied;	
4	the <u>account holder</u> initiating a transaction involving the financial account by providing one of the tokens previously recorded in the electronic token log and an indication of the account to a <u>vendor</u> ;	the <u>account holder</u> initiating a transaction involving the financial account by providing the token and an indication of the account to a <u>vendor</u> ;	the <u>account holder</u> initiating a transaction involving the financial account by providing the token and an indication of the account to a <u>vendor</u>	program code for the <u>account holder</u> facilitating the initiation of a transaction involving the financial account by providing the token and an indication of the account to a <u>vendor</u> ;	a token access sub-system to make one or more tokens available to an <u>account holder</u> for distribution to one or more <u>vendors</u> involved in transactions pertaining to an account of the account holder		means for the <u>account holder</u> accessing tokens so that they can be associated with specific financial transactions

	Claim Set I (1-28, 42-43)				Claim Set II (31-39)	Claim Set III (40-41)	
	Claim 1	Claim 3	Claim 5	Claim 42	Claim 31	Claim 40	Claim 41
5	wherein the vendor is to <u>provide the token, the indication of the account, and</u> <u>information about the transaction to the computing device of the authorizing institution,</u>	wherein the vendor is to <u>provide the token, the indication of the account, and</u> <u>information about the transaction to the computing device of the institution responsible for authorizing that transaction,</u>	wherein the vendor is to <u>provide the token, the indication of the account, and</u> <u>information about the transaction to the computing device of the institution responsible for authorizing that transaction,</u>	wherein the vendor is to <u>provide the token, the indication of the account, and</u> <u>information about the transaction to the institution responsible for authorizing that transaction,</u>	wherein each vendor is to <u>provide a specific token, an indication of the account, and</u> <u>information about a transaction to an institution responsible for authorizing one or more transactions involving the account,</u>	a communication interface for <u>receiving a token, an indication of an account, and</u> <u>information about a transaction from a vendor,</u>	

Claim Set I (1-28, 42-43)					Claim Set II (31-39)	Claim Set III (40-41)	
	Claim 1	Claim 3	Claim 5	Claim 42	Claim 31	Claim 40	Claim 41
6	which authorizing institution's computing device provides the vendor with transaction <u>authorization</u> based on the token being found to exist in the token log,	which authorizing institution's computing device provides the vendor with transaction <u>authorization</u> based on the one or more conditions associated with the token <u>in the token log being satisfied</u> ,	which authorizing institution's computing device provides the vendor with transaction <u>authorization</u> based on the one or more conditions associated with the token <u>in the token log being satisfied</u> ,	which authorizing institution retrieves the token from the token log and provides the vendor with transaction <u>authorization</u> based on the one or more conditions associated with the token <u>in the token log being satisfied</u> ,	which institution looks up the specific token in the token log and authorizes each vendor to complete each vendor's transaction responsive to the specific conditions associated with each specific token <u>in the token log being satisfied</u> ,	wherein the communication interface is to notify the vendor that the transaction is <u>authorized</u> responsive to the at least one <u>condition</u> being <u>satisfied</u> ,	means for a financial institution <u>authorizing</u> specific transactions by verifying that the <u>conditions</u> for the tokens associated with the specific transactions are met

Claim Set I (1-28, 42-43)					Claim Set II (31-39)	Claim Set III (40-41)	
	Claim 1	Claim 3	Claim 5	Claim 42	Claim 31	Claim 40	Claim 41
7	wherein the vendor contacts the computing device of the authorizing institution through a <u>communication channel that is distinct from a</u> communication channel by which the plurality of tokens are recorded in the electronic token log.	wherein the vendor contacts the computing device of the authorizing institution through a <u>communication channel that is distinct from a</u> communication channel by which the plurality of tokens are recorded in the electronic token log.	wherein the vendor contacts the computing device of the authorizing institution through a <u>communication channel that is distinct from a</u> communication channel by which the plurality of tokens are recorded in the electronic token log.	wherein the vendor contacts the institution responsible for authorizing the transaction through a <u>communication channel that is distinct from a</u> communication channel by which the plurality of tokens are associated with one or more conditions in the electronic token log.	wherein the institution looks up the specific token in the token log through a <u>communication channel that is distinct from a</u> communication channel by which the institution is provided with the token, the indication of the account, and information about the transaction.	wherein the token, the indication of the account, and the information about the transaction are received at the communication interface through a <u>communication channel that is distinct from a</u> communication channel by which the tokens are associated with conditions in the electronic token log.	wherein the financial institution authorizes specific transactions through a <u>communication channel that is distinct from a</u> communication channel by which the tokens are associated with conditions in the electronic token log.